

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
IO-13 ACDA-12 /091 W
-----044815 132246Z /12

R 131501Z JUN 78
FM AMCONSUL STUTTGART
TO SECSTATE WASHDC 4315
AMEMBASSY BONN
INFO USMISSION USBERLIN
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
USCINCEUR VAIHINGEN GE
CINCUSAREUR HEIDELBERG GE

LIMITED OFFICIAL USE SECTION 1 OF 2 STUTTGART 1132

E.O. 11652: N/A
TAGS: PINT, GW
SUBJECT: THE "FILBINGER AFFAIR"

REF: A) STUTTGART 1104 B) STUTTGART 1070 C) STUTTGART 1007

1. SUMMARY. MINISTER-PRESIDENT FILBINGER'S STATEMENT BEFORE THE LANDTAG JUNE 9 ANSWERING CHARGES MADE AGAINST HIM FOR PAST ACTIONS IN THE NAZI PERIOD MET WITH AN SPD DEMAND FOR HIS RESIGNATION. FDP REACTION WAS MORE MODERATE. IN HIS STATEMENT FILBINGER FINALLY CONFESSED TO SOME MORAL DISTRESS OVER HIS ACTIONS IN 1945 AND ARGUED THAT ALL WHO LIVED THROUGH AND SURVIVED THE NAZI PERIOD MUST BEAR A SHARE OF THE GUILT FOR THAT REGIME. SOME OF THE GOOD WHICH THE LANDTAG STATEMENT MAY HAVE DONE FILBINGER
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COULD BE UNDONE, HOWEVER, IF THE CONTROVERSY IS NOW FANNED ANEW BY RESUMPTION OF COURT HEARINGS JUNE 13 IN FILBINGER'S LAWSUIT. END SUMMARY.

2. MINISTER-PRESIDENT FILBINGER WENT BEFORE THE LANDTAG JUNE 9 TO REVIEW THE LEGISLATIVE PROGRAM OF THE PAST YEAR AND HE TOOK ADVANTAGE OF THE OCCASION TO SPEAK OUT, FOR

THE FIRST TIME IN THE LANDTAG, AGAINST THE ATTACKS TO WHICH HE HAS BEEN SUBJECTED IN WHAT HAS COME TO BE KNOWN AS THE "FILBINGER AFFAIR."

3. FILBINGER INSISTED THAT HE WAS SPEAKING OUT ON THESE MATTERS BEFORE THE LANDTAG ON HIS OWN INITIATIVE, IN ORDER TO CLEAR THE AIR, AND NOT BECAUSE HE WAS FORCED INTO DOING SO. HE AGAIN DEFENDED HIS ACTIONS IN THE GROEGER CASE, WHEN IN 1945 HE SOUGHT AND OBTAINED THE DEATH PENALTY AGAINST A YOUNG SAILOR. IT HAD BEEN DISTRESSING TO HIM TO HAVE HAD TO FOLLOW THE COURSE HE DID, AND HE WAS FORCED TO LIVE WITH THE MEMORY. HOWEVER, HE SAID, THE PRESS HAD MISUNDERSTOOD HIS INITIAL REACTION TO THE DIE ZEIT ARTICLE WHICH HAD TOUCHED OFF THE WHOLE AFFAIR, FOR IN THE GROEGER CASE HE (FILBINGER) HAD ACTED IN THE ONLY WAY THAT HE THOUGHT PROPER AT THE TIME (I.E., HOWEVER DIFFERENTLY IT MIGHT BE VIEWED TODAY). ONLY THOSE WHO ACTIVELY OPPOSED HITLER, AND WHO DIED FOR THEIR ACTS (HE CITED GRAF VON STAUFFENBERG), CAN BE CONSIDERED BLAMELESS, HE SAID, AND ALL THOSE, INCLUDING HIMSELF, WHO PARTICIPATED IN LIFE UNDER THE THIRD REICH MUST BEAR PART OF THE GUILT FOR THAT REGIME.

4. SPD FRAKTION LEADER EPPLER, IN AN EMOTIONAL SPEECH, DEMANDED FILBINGER'S RESIGNATION. BADEN-WUERTTEMBERG, SAID EPPLER, CAN NO LONGER BE REPRESENTED LIMITED OFFICIAL USE

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BY A MINISTER-PRESIDENT WHO JUDGES THE ACTIONS OF OTHERS BY DIFFERENT STANDARDS THAN HE APPLIES TO HIS OWN. FILBINGER WAS NOT FORCED TO JOIN THE NAZI STUDENT ORGANIZATION (SA) AT FREIBURG BUT OBVIOUSLY DID SO OF HIS OWN VOLITION, SAID EPPLER, WHEREUPON MANY CDU MEMBERS OF THE LANDTAG STALKED OUT OF THE CHAMBER IN PROTEST. EPPLER ALSO CHIDED THE CDU FOR ITSELF NOT LIVING BY THE DEMOCRATIC PRINCIPLES IT PROFESSED TO HOLD, SINCE THE SPD HAD HEARD OUT FILBINGER WITHOUT INTERRUPTION WHEREAS EPPLER WAS HECKLED THROUGHOUT BY THE CDU.

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5. JUERGEN MORLOK, FDP FRAKTION LEADER AND LAND CHAIRMAN, WHOSE PARTY HAD BEEN THE FIRST TO URGE FILBINGER TO GIVE A FULL REPORT TO THE LANDTAG (REF B), WAS MORE RESTRAINED. HE DID NOT ASK FOR FILBINGER'S RESIGNATION. HE SAID THAT HE COULD NOT PRETEND TO JUDGE FILBINGER'S ACTIONS IN THE GROEGER CASE BECAUSE HE (MORLOK) HAD NOT LIVED THROUGH THE NAZI PERIOD AND SO DID NOT KNOW TO WHAT PRESSURES PERSONS LIKE FILBINGER COULD HAVE BEEN EXPOSED AT THE TIME. MORLOK DID NONETHELESS MAKE A PARALLEL BETWEEN FILBINGER'S EARLIER ACTIONS AND THE JUSTICE METED OUT TO GROEGER WITH THE TREATMENT ACCORDED EXTREMISTS IN GERMAN SOCIETY TODAY, I.E., A REFERENCE TO THE BERUFSVERBOT PENALIZING PERSONS FOR THEIR PRESENT OR FORMER POLITICAL BELIEFS BY DENYING THEM POSITIONS IN THE CIVIL SERVICE.

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6. IN SUPPORT OF FILBINGER CDU FRAKTION LEADER TEUFEL LASHED OUT BITTERLY AT EPPLER, QUESTIONING HIS IMPARTIALITY AND CONDEMNING HIS ATTACK ON FILBINGER AS "INFAMOUS."

7. AIRING OF THE "FILBINGER AFFAIR" IN THE LANDTAG WAS FRONT PAGE NEWS FOR THE STUTTGART PRESS, AND WAS ALSO COVERED BY TV. THE STUTTGARTER ZEITUNG, WHICH IN AN EARLIER EDITORIAL HAD SUPPORTED THE SPD DEMAND FOR FILBINGER'S RESIGNATION (REF B), PLAYS UP EPPLER'S

ATTACK ON FILBINGER. THE STUTTGARTER NACHRICHTEN, ON THE OTHER HAND, SEEMS TO HAVE BEEN IMPRESSED BY THE MORE MEASURED TONES AND LESS PARTISAN-TAINTED APPROACH OF MORLOK.

8. ORAL HEARINGS RESUME IN STUTTGART JUNE 13 IN FILBINGER'S LAWSUIT AGAINST AUTHOR HOCHHUT AND DIE ZEIT. WE UNDERSTAND THAT THE COURT IS TO RULE ON WHETHER THE INTERIM INJUNCTION ISSUED ON MAY 23 (REF C) IS TO BE LEFT STANDING, AND MORE SUBSTANTIVE ARGUMENTS MAY BE INTRODUCED SURROUNDING THE EVENTS OF THE PAST THAT ARE AT THE HEART OF THE CASE.

9. COMMENT: THE LANDTAG STATEMENT MAY HAVE HELPED FILBINGER, BUT FURTHER PUBLICITY STEMMING FROM CONTINUATION OF THE LAWSUIT MAY UNDO SOME OF THE GOOD. BEFORE THE LANDTAG HE RESPONDED FINALLY TO DEMANDS THAT HE EXPRESS SOME MORAL REGRET OVER HIS PAST ACTIONS AND IT MAY ALSO HAVE BEEN AN ASTUTE DEFENSE TO ARGUE THAT NOT ONLY HE BUT ALL OTHERS WHO COMPROMISED IN THEIR DAILY LIVES AND SO SURVIVED NAZIISM MUST BEAR A SHARE OF THE GUILT FOR THAT REGIME. IT IS REGRETTABLE FOR FILBINGER'S SAKE THAT IT WAS NOT LEFT AT THAT, WITH THE LIMITED OFFICIAL USE

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LANDTAG NOW RECESSED UNTIL THE FALL AND ALL OF BADEN-WUERTTEMBERG ABOUT TO DEPART ON THE ANNUAL SUMMER VACATION EXODUS. BY THE FALL MUCH OF THE FUSS MIGHT HAVE BLOWN OVER IF NOTHING FURTHER OCCURRED TO FAN THE CONTROVERSY, THOUGH RENEWAL OF HEARINGS IN THE LAWSUIT COULD NOW HAVE JUST THAT EFFECT.

10. FOLLOWING MENTION IN REF B OF MOOD WE ENCOUNTERED IN FREIBURG APROPOS OF THE "FILBINGER AFFAIR," WE AWAITED WITH SOME INTEREST REACTION TO FILBINGER'S APPEARANCE LAST WEEK AT CEREMONIES MARKING 250TH ANNIVERSARY OF MANNHEIM CHAMBER OF COMMERCE. LARGE, BLUE-RIBBON AUDIENCE COMPRISED OF BUSINESS LEADERS FROM BADEN-WUERTTEMBERG AND ALSO FROM NATIONAL SCENE GAVE FILBINGER WARM OVATION AND PUNCTUATED HIS SPEECH (ADDRESSED SOLELY TO CONOMIC QUESTIONS) ON SEVERAL OCCASIONS WITH APPLAUSE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, WAR CRIMES, WORLD WAR II, ALLEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STUTTGO1132
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780247-0481
Format: TEL
From: STUTTGART
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780663/aaaaccoz.tel
Line Count: 216
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 29b6bc89-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STUTTGART 1104, 78 STUTTGART 1070, 78 STUTTGART 1007
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 31 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2367067
Secure: OPEN
Status: NATIVE
Subject: THE "FILBINGER AFFAIR"
TAGS: PINT, GE, (FILBINGER, HANS)
To: STATE BONN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/29b6bc89-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014